

Appl. No. 09/717,841
Response dated July 24, 2003
Reply to Office action of June 24, 2003

REMARKS/ARGUMENTS

In response to the restriction requirement presented in the Office Action mailed on June 24, 2003, the Applicants have elected claims 16-29 and 37-44 with traverse. This is a provisional election of the type required by 37 CFR 1.143. Applicants request a reconsideration of the restriction requirement.

The office action, on page 4, states the reasons for the restriction requirement. It states that independent claims 1 and 30 are drawn to a bar code reader and that independent claims 16, 23 and 37 are drawn to a non-bar code reader. This characterization is not an entirely accurate representation of the scope of the claims. For example, the language of claims 16, 23 and 37 encompasses a system that can read in a "non-contact" manner. In fact, all of the independent claims (1, 16, 23, 30 and 37) include a non-contact reader. Thus, claims 16, 23 and 37 encompass, among other things, a device including a non-contact bar code reader along with the other elements contained in the relevant claim. This is further supported by the "bar code scanner" language in dependent claims 19, 26 and 44. Thus, claims 19, 26 and 44 make clear that the "non-contact" reader can be or can include a bar code scanner.

Consequently, the reasons advanced in support of the restriction requirement do not establish an accurate distinction between the two groups of claims. As a result, the withdrawal of the restriction requirement is respectfully requested.

Respectfully Submitted,

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